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Issued December 29, 1906.

U. S. DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY—BULLETIN No. 104.

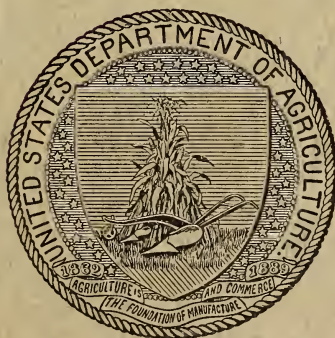
H. W. WILEY, Chief of Bureau.

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FOOD LEGISLATION DURING THE YEAR ENDED JUNE 30, 1906.

BY

W. D. BIGELOW,
CHIEF, DIVISION OF FOODS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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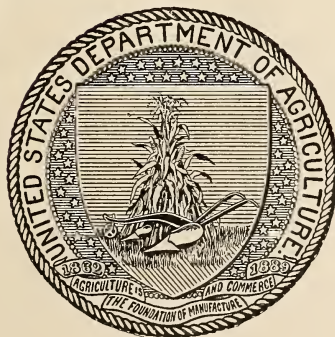
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H. W. WILEY, Chief of Bureau.

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY,

Washington, D. C., November 10, 1906.

SIR: I have the honor to transmit for your approval a compilation of the Federal and State food legislation enacted in the United States during the year ended June 30, 1906. The material collected in this bulletin, considered in connection with Bulletin 69 of this Bureau, Parts I to IX, Foods and Food Control, Revised to July 1, 1905, affords a complete survey of the food legislation of the United States, and as such is of considerable value to all engaged in enforcing either State or Federal laws, as well as to the trade and manufacturing interests affected thereby. I recommend the publication of this manuscript as Bulletin 104 of the Bureau of Chemistry.

Respectfully,

H. W. WILEY,

Chief of Bureau.

HON. JAMES WILSON,

Secretary of Agriculture.

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FOOD LEGISLATION DURING THE YEAR ENDED JUNE 30, 1906.

FEDERAL LAWS.

Food legislation for the year ended July 1, 1906, is the most important in the history of the United States. A Federal pure-food bill in various forms has been before Congress continuously for more than twenty years, and such a bill became a law on June 30, 1906. On the same day, as part of the appropriation bill of the United States Department of Agriculture, in the sections providing for the Bureau of Animal Industry, important legislation was enacted with reference to the inspection of meat and meat food products. These laws are given in full in the following pages, but the rules and regulations adopted for their enforcement, the food inspection decisions, and the food standards, having been already published as bulletins or circulars of the Department of Agriculture, are not repeated in this compilation. These publications are as follows:

Rules and Regulations for the Enforcement of the Food and Drugs Act, Circular No. 21, Office of the Secretary. (October 17, 1906.)

Food Inspection Decisions, Nos. 1 to 43, Bureau of Chemistry. (Decisions covering disputed points as to labeling, etc., issued from time to time as the questions arise.)

Standards of Purity for Food Products, Circular No. 19, Office of the Secretary. (June 26, 1906.)

Regulations Governing the Meat Inspection of the United States Department of Agriculture, Order No. 137, Bureau of Animal Industry. (July 25, 1906.)
Amendments 1 to 4 to Order No. 137, Bureau of Animal Industry.

THE FOOD AND DRUGS ACT, JUNE 30, 1906.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from

any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 7. That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*. That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*. That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*. That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for

any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

SEC. 12. That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 13. That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Approved, June 30, 1906. Statutes of the United States of America, 1905-1906, pt. 1, ch. 3915, pp. 768-772.

INVESTIGATION OF DOMESTIC AND IMPORTED FOOD PRODUCTS.

The following extract from the appropriation act of the Department of Agriculture gives the duties of the Bureau of Chemistry with regard to the examination of food:

* * * To investigate the composition, adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of

adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters.

Approved, June 30, 1906. Statutes of the United States of America, 1905-1906, pt. 1, ch. 3913, pp. 685-686.

MEAT INSPECTION AMENDMENT.

That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned," all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or

similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this Act.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this Act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

That on and after October first, nineteen hundred and six, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "inspected and passed," in accordance with the terms of this Act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October first, nineteen hundred and six, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this Act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this Act, or any certificate in relation thereto, authorized or required by this Act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein

authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful,

wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three million dollars, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food prod-

ucts thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this Act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

Approved June 30, 1906. Statutes of the United States of America, 1905-1906, pt. 1, ch. 3913, pp. 674-679.

DAIRY PRODUCTS.

Inspection of cattle and products thereof extended to dairy products. Provided, That the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, [Bul. 69, Rev., Part I, pp. 3-4] for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified: *Provided,* That the Secretary of Agriculture be authorized to expend of the amount hereby appropriated, through the dairy division of the Bureau of Animal Industry of the Department of Agriculture, a sum not to exceed twenty thousand dollars in further developing the dairy industry of the Southern States by conducting experiments, holding institutes, and giving object lessons in cooperation with individual dairymen and State experiment stations: *Provided, also,* That the Secretary of Agriculture is authorized to expend five thousand dollars of the amount hereby appropriated, to especially investigate hemorrhagic septicemia, infectious cerebro-spinal meningitis, and malignant catarrh, prevalent among domestic animals in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota Experiment Station, the problem of prevention by developing antitoxin or preventive vaccines and to secure and diffuse information along these lines, provided that the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to publish the results of said tests in such manner as he may deem best.

Approved June 30, 1906. Statutes of the United States of America, 1905-1906, pt. 1, ch. 3913, p. 674.

ALASKA.

FISH.

SEC. 1. *License taxes on output.* Every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the territory known as Alaska, ceded to the United States by Russia by the treaty of March*thirtieth, eighteen hundred and sixty-seven, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, four cents per case; pickled salmon, ten cents per barrel; salt salmon in bulk, five cents per one hundred pounds; fish oil, ten cents per barrel; fertilizer, twenty cents per ton. The payment and collection of such license taxes shall be under and in accordance with the provisions of the Act of March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto.

SEC. 2. *Exemptions.* The catch and pack of salmon made in Alaska by the owners of private salmon hatcheries operated in Alaska shall be exempt from all license fees and taxation of every nature at the rate of ten cases of canned salmon to every one thousand red or king salmon fry liberated, upon the following conditions:

The Secretary of Commerce and Labor may from time to time, and on the application of the hatchery owner shall, within a reasonable time thereafter, cause such private hatcheries to be inspected for the purpose of determining the character of their operations, efficiency, and productiveness, and if he approve the same shall cause notice of such approval to be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein any such hatchery is located, and shall also notify the owners of such hatchery of the action taken by him. The owner, agent, officer, or superintendent of any hatchery the effectiveness and productiveness of which has been approved as above provided shall, between the thirtieth day of June and thirty-first day of December of each year, make proof of the number of salmon fry liberated during the twelve months immediately preceding the thirtieth day of June, by a written statement under oath. Such proof shall be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein such hatchery is located, and when so filed shall entitle the respective hatchery owners to the exemption as herein provided; and a false oath as to the number of salmon fry liberated shall be deemed perjury and subject the offender to all the pains and penalties thereof. Duplicates of such statements shall also be filed with the Secretary of Commerce and Labor. It shall be the duty of such clerk or deputy clerk in whose office the approval and proof heretofore provided for are filed to forthwith issue to the hatchery owner, causing such proofs to be filed, certificates which shall not be transferable and of such denominations as said owner may request (no certificate to cover fewer than

one thousand fry), covering in the aggregate the number of fry so proved to have been liberated; and such certificates may be used at any time by the person, company, corporation, or association to whom issued for the payment pro tanto of any license fees or taxes upon or against or on account of any catch or pack of salmon made by them in Alaska; and it shall be the duty of all public officials charged with the duty of collecting or receiving such license fees or taxes to accept such certificates in lieu of money in payment of all license fees or taxes upon or against the pack of canned salmon at the ratio of one thousand fry for each ten cases of salmon. No hatchery owner shall obtain the rebates from the output of any hatchery to which he might otherwise be entitled under this Act unless the efficiency of said hatchery has first been approved by the Secretary of Commerce and Labor in the manner herein provided for.

SEC. 7. *Salmon must be canned within forty-eight hours.* It shall be unlawful to can or salt for sale for food any salmon more than forty-eight hours after it has been killed.

SEC. 9. *Labels.* It shall be unlawful for any person, company, or corporation canning, salting, or curing fish of any species in Alaska to use any label, brand, or trade-mark which shall tend to misrepresent the contents of any package of fish offered for sale: *Provided*, That the use of the terms "red," "medium red," "pink," "chum," and so forth, as applied to the various species of Pacific salmon under present trade usages shall not be deemed in conflict with the provisions of this Act when used to designate salmon of those known species.

SEC. 10. *Annual reports from fish industries.* Every person, company, and corporation engaged in catching, curing, or in any manner utilizing fishery products or in operating fish hatcheries in Alaska, shall make detailed annual reports thereof to the Secretary of Commerce and Labor, on blanks furnished by him, covering all such facts as may be required with respect thereto for the information of the Department. Such reports shall be sworn to by the superintendent, manager, or other person having knowledge of the facts, a separate blank form being used for each establishment in cases where more than one cannery, saltery, or other establishment is conducted by a person, company, or corporation, and the same shall be forwarded to the Department at the close of the fishing season and not later than December fifteenth of each year.

SEC. 12. *Appointment of force by Secretary of Commerce and Labor to enforce law.* To enforce the provisions of this Act and such regulations as he may establish in pursuance thereof, the Secretary of Commerce and Labor is authorized and directed to depute, in addition to the agent and assistant agent of salmon fisheries now provided by law, from the officers and employees of the Department of Commerce and Labor, a force adequate to the performance of all work required for the proper investigation, inspection, and regulation of the Alaskan fisheries and hatcheries, and he shall annually submit to Congress estimates to cover the cost of the establishment and maintenance of fish hatcheries in Alaska, the salaries and actual traveling expenses of such officials, and for such other expenditures as may be necessary to carry out the provisions of this Act.

SEC. 13. *Penalties.* Any person, company, corporation, or association violating any provision of this Act or any regulation established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term of not more than ninety days, or by both such fine and imprisonment, at the discretion of the court; and in case of the violation of any of the provisions of section four of this Act and conviction thereof a further fine of not more than two hundred and fifty dollars per diem may, at the discretion of the court, be imposed for each day such obstruction is maintained. And every vessel or other apparatus or equipment

used or employed in violation of any provision of this Act, or of any regulation made thereunder, may be seized by order of the Secretary of Commerce and Labor, and shall be held subject to the payment of such fine or fines as may be imposed.

SEC. 14. *Prosecutions.* The violation of any provision of this Act may be prosecuted in any district court of Alaska or any district court of the United States in the States of California, Oregon, or Washington. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act and the rules and regulations made thereunder. And it shall be the duty of the district attorney to whom any violation is reported by any agent or representative of the Department of Commerce and Labor to institute proceedings necessary to carry out the provisions of this Act.

SEC. 15. *Repeal.* All Acts or parts of Acts inconsistent with the provisions of this Act are, so far as inconsistent, hereby repealed.

SEC. 16. *Effect.* This Act shall take effect and be in force from and after its passage.

Approved June 26, 1906. Statutes of the United States of America, 1905-1906, pt. 1, ch. 3547, pp. 478-481.

DISTRICT OF COLUMBIA.

GENERAL FOOD LAW.

SEC. 10. *Weights and measures.* No person shall sell or offer for sale anywhere in the District of Columbia, any provisions or produce or commodities of any kind for a weight or measure less than the true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having first been tested and sealed, but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures.—*As amended June 20, 1906; Statutes of the United States of America, 1905-1906, pt. 1, ch. 3444, pp. 315-316.*

United States Statutes at Large, 1893-1895, vol. 28, ch. 179, p. 812.

IOWA.

GENERAL FOOD LAWS.

SEC. 1. *Food and dairy commissioner.* The state dairy commissioner shall, by this act, become the state food and dairy commissioner, and shall, on and after taking effect of this act, have all the powers, compensations and allowances, and shall be charged with all the duties now imposed by law upon the state dairy commissioner.

SEC. 2. *Salaries.* In addition to his powers and duties as provided in section 1 hereof, the commissioner shall be charged with the duty of carrying into effect the provisions of this act and shall have an official seal. He may, with the approval of the executive council, appoint such assistants as he may deem necessary, who may exercise the powers now provided by law in the case of milk inspectors, together with those conferred by this act. They shall be paid not to exceed five dollars a day when on duty, besides their actual and necessary traveling expenses when traveling under orders. Their accounts shall be itemized and sworn to, and, when approved by the commissioner and the executive council, shall be paid by warrant of the auditor upon the treasurer out of the sum hereinafter appropriated for carrying out the provisions of this act. The commissioner shall receive five hundred dollars annually in addition to the salary now received by the state dairy commissioner.

SEC. 3. *Chemist.* The commissioner shall, with the approval of the executive council, appoint a chemist, who shall be the official chemist under this act, who shall devote his whole time to the duties of such office. He shall receive a salary of two thousand dollars per year, to be paid in the same manner as the salaries of other state officers. He shall make all the examinations necessary in enforcing the provisions of this act, and shall be furnished necessary laboratory, apparatus, supplies and chemicals, to be paid for in the same manner as the accounts of assistants.

SEC. 4. *Commissioner to make rules; sampling.* The commissioner shall, with the approval of the executive council, make all necessary rules and regulations for carrying out the provisions of this act, under which the commissioner shall procure from time to time or whenever he has occasion to believe any of its provisions are being violated, or cause to be procured, for examination chemically, microscopically or otherwise, samples of food shipped into this state or offered for sale in this state. The chemist making the examination shall certify the results of his work to the commissioner.

SEC. 5. *Prosecutions.* If it shall appear from any such examination that any of the provisions of this act have been violated, the commissioner shall at once certify the facts to the proper county attorney, with a copy of the results of the analysis, duly authenticated by the analyst under oath. It shall be the duty of every county attorney to whom the commissioner or his assistants shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided. An attorney

may be appointed by the governor when he deems advisable to prosecute such cases, but in no case except where the county attorney has first refused to act.

SEC. 6. *Handling of adulterated goods prohibited; provisos.* No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall manufacture or introduce into the state, or solicit or take orders for delivery, or sell, exchange, deliver or have in his possession with the intent to sell, exchange or expose or offer for sale or exchange, any article of food which is adulterated or misbranded, within the meaning of this act. Provided, that none of the penalties set forth in this act shall be imposed upon any common carrier for introducing into the state, or having in its possession, any adulterated or misbranded articles of food, where the same were received by said carrier for transportation in the ordinary course of its business and without actual knowledge of the adulteration or misbranding thereof. Provided, that any manufacturer, wholesaler or jobber may keep goods specifically set apart in his stock for sale in other states, which might otherwise be in violation of the provisions of this act.

SEC. 7. *Definitions.* The word "commissioner," whenever used in this act, shall be taken to mean the state food and dairy commissioner herein provided for. The word "food," as herein used, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound. The term "misbranded" as herein used, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, and to any food or product which is falsely branded as to the state or county in which it is manufactured or produced, or shall bear any false statement regarding the net weight or quantity contained in the package.

SEC. 8. *Adulterations defined; provisos.* For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article.

Fifth. If it be mixed, colored, powdered or stained, in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health, or if it contains saccharine or formaldehyde.

Seventh. If it be labeled or branded so as to deceive, or mislead the purchaser, or purport to be a foreign product when not so.

Eighth. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not included in definition fourth of this section; provided, that candies and chocolates shall be deemed to be adulterated if they contain terra alba, barytes,

tale, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; provided, that in case of baking powders, each can or package shall be plainly labeled so as to show the name of each and every ingredient contained therein.

2. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and constituents thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

SEC. 9. *Labels.* Labels required by this act shall be distinctly printed in the English language in legible type no smaller than brevier heavy gothic caps, and shall be placed upon the outside of each package and contain the name and address of the manufacturer, packer or dealer, and the words, "This (followed by the name of the article of food) is composed of the following ingredients and none other," and immediately after said words shall be printed upon said label, in the style and manner herein specified, the true and correct name of each and all of the ingredients contained in or constituting a component part of such mixture, compound, combination, imitation or blend, and if artificially colored or preserved, the name of each and every such added substance shall be plainly stated on the label. There shall be such a contrast between the color of the label and the color of the ink used in printing the label as heretofore provided, that the label shall be easily and plainly legible.

SEC. 10. *Sampling.* Any person who manufactures or exposes for sale, or delivers to a purchaser any article of food, shall furnish, within business hours, and upon payment or tender of the selling price, a sample of such food to any person duly authorized by the commissioner to receive the same, and who shall apply to such vender, or person delivering to a purchaser, such article of food for such sample for such use in sufficient quantity for the analysis of any such article or articles in his possession. In the presence of such person and an agent of the commissioner, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed with the seal of the commissioner. One part shall be left with the dealer, one delivered to the commissioner, and one deposited with the county attorney for the county in which the sample is taken. The having in possession by any person who manufactures or exposes for sale, any adulterated or misbranded food, within the meaning of this act, shall be *prima facie* evidence of having in possession with intent to sell in violation of its provisions.

SEC. 11. *Penalty for hindering execution of law.* Any person, firm, corporation, or agent thereof, who refuses to comply, on demand, with any of the requirements of this act, or who shall violate any of its provisions, or who shall obstruct or hinder the commissioner, or any of his assistants, in the discharge of any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars.

SEC. 12. *Bulletin to be issued by commissioner.* The commissioner shall, from time to time, with the approval of the executive council, issue a printed bulletin, showing the results of inspections, analysis, and prosecutions undertaken under this act, together with such general information as may be deemed suitable. Such bulletins shall be printed in such numbers as may be directed by the executive council, and shall be issued to the newspapers of the state and to all interested persons.

SEC. 13. *Appropriation.* For the purpose of enabling the commissioner to enforce the provisions of this act, for the compensation and expenses of assistants and experts, for necessary traveling and miscellaneous expenses, and for all other expenses herein provided, the sum of ten thousand dollars (\$10,000) annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.

SEC. 14. *Exemptions.* All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and six (1906), shall be exempt from the provisions of this act to July first, nineteen hundred and seven (1907).

SEC. 15. *Prosecution of corporations.* Upon the prosecution of a corporation for violations of the provisions of this act, or of section four thousand nine hundred and eighty-nine (4989) of the code, and information filed before a justice of the peace having jurisdiction, the said justice of the peace shall forthwith issue notice to the corporation which shall substantially notify the defendant of the charges contained in the information and that it must forthwith appear and answer the same, which notice may be served by any peace officer in any county of the state on any officer or agent of the defendant corporation by reading the same to him and leaving with him a copy thereof; said notice shall be returned to the justice of the peace without delay with proper return of its service, and from and after two days from the time of making such service the defendant corporation shall be considered to be in court, and all further proceedings shall be the same as against an individual defendant.

SEC. 16. *Amendments.* Section four thousand nine hundred and eighty-six (4986) of the code is hereby amended by striking out in the second line thereof the words and characters "food, drink or," and in the third line thereof the words and characters "food, drink or," and by striking out all after the word "same" in the fourteenth line of said section, and by changing the semicolon after the word "same" to a period.

SEC. 17. *Repeal.* Sections four thousand nine hundred and eighty-two (4982), four thousand nine hundred and eighty-four (4984), four thousand nine hundred and eighty-seven (4987), four thousand nine hundred and ninety-three (4993), four thousand nine hundred and ninety-four (4994), four thousand nine hundred and ninety-five (4995), four thousand nine hundred and ninety-six (4996), four thousand nine hundred and ninety-seven (4997) and four thousand nine hundred and ninety-eight (4998) of the code, and sections four thousand nine hundred and eighty-four "a" (4984-a), and four thousand nine hundred and eighty-four "b" (4984-b), as they appear in the supplement to the code, are hereby repealed.

Approved February 26, 1906. Laws of Iowa, 31 G. A. 1906, ch. 166, pp. 115-118.

DAIRY PRODUCTS.

SEC. 1. *Misreading or manipulation of milk or cream tests.* It shall be unlawful for the owner, manager, agent or employe of a cheese factory, creamery or condensed milk factory to falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test or otherwise.

SEC. 2. *Penalty.* Whosoever shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Approved March 16, 1906. Laws of Iowa, 31 G. A. 1906, ch. 171, p. 121.

SEC. 1. *Inspection of factories, etc.* The state food and dairy commissioner and his deputy and assistants shall have full access to all places of business, factories, buildings, wagons and cars used in the manufacture, sale, or transportation within the state of any dairy products or any imitation thereof.

SEC. 2. *Inspection and sampling of packages, etc.* They may examine and open any package, can or vessel containing, or believed to contain any article or product which may be manufactured, sold or exposed for sale in violation of the laws of this state relative to the dairy products and imitation thereof, and may inspect the contents therein and take therefrom samples for testing or analysis.

SEC. 3. *Penalties for hindering inspectors.* Whosoever shall refuse to allow the inspection herein provided for or shall in any way hinder or obstruct the proper officers performing their duties hereunder shall be punished by fine not exceeding one hundred (100) dollars or by imprisonment in the county jail not exceeding thirty (30) days.

Approved March 17, 1906. Laws of Iowa, 31 G. A. 1906, ch. 107, p. 75.

SEC. 1. *Skimmed milk to be pasteurized.* That every owner, manager or operator of a creamery shall before delivering to any person any skimmed milk cause the same to be pasteurized at a temperature of at least one hundred and eighty-five (185) degrees Fahrenheit.

SEC. 2. *Penalty.* Who ever^a violates the provisions of this act shall, upon conviction, be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved April 5, 1906. Laws of Iowa, 31 G. A., 1906, ch. 168, p. 119.

4989. *Sale of impure or skimmed milk; skimmed-milk cheese; labeling; penalty.* If any person shall sell, exchange, or expose for sale or exchange, or deliver or bring to another, for domestic or potable use, or to be converted into any product of human food, any unclean, impure, unhealthy, adulterated, unwholesome or skimmed milk, or milk from which has been held back what is commonly known as strippings, or milk taken from an animal having disease, sickness, ulcers, abscess or running sore, or which has been taken from an animal within fifteen days before or five days after parturition; or if any person shall purchase, to be converted into any product of human food, any unclean, impure, unhealthful, adulterated or unwholesome milk or cream, or shall manufacture any such milk or cream into any product of human food; or if any person, having cows for the purpose of producing milk or cream for sale, shall stable them in an unhealthy place or crowded manner, or shall knowingly feed them food which produces impure, unwholesome milk, or shall feed them distilled glucose or brewery waste in any state of fermentation, or upon any substance in a state of putrefaction or rottenness or of an unhealthy nature, or shall sell or offer for sale cream which has been taken from milk the sale of which has been prohibited, or who shall sell or offer for sale, as cream, an article which shall contain less than the amount of butter fat as prescribed in this chapter; or if any person shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partly skimmed, without the same being plainly branded, stamped, or marked on the side or top of both cheese and package, in a durable manner, in the English language, the words "Skimmed-milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width, he shall be fined not less than \$25 nor more than \$100, and shall be liable for double damages to the person or persons upon whom such fraud shall be committed;

^a So in Statutes.

but the provisions of this section shall not apply to skimmed milk when sold as such and in the manner and subject to the regulations prescribed in this chapter.—*As amended March 15, 1906; Laws of Iowa, 31 G. A. 1906, ch. 167, p. 118. See Bul. 69, Rev., pt. 2, p. 199.*

4990. Adulterated or impure milk defined. For the purposes of this chapter, the addition of water or any other substance or thing to cream or whole milk or skimmed milk or partially skimmed milk is hereby declared an adulteration, and milk which is obtained from animals fed upon waste as defined in this chapter, or upon any substance of an unhealthy nature, is hereby declared to be impure and unwholesome, and milk which is proved by any reliable method of test or analysis to contain less than $12\frac{1}{2}$ per cent of milk solids to the 100 pounds of milk, or than three pounds of butter fat to 100 pounds of milk, shall be regarded as skimmed or partially skimmed milk, and every article not containing 15 per cent or more of butter fat shall not be regarded as cream.—*As amended March 15, 1906; Laws of Iowa, 31 G. A. 1906, ch. 167, p. 119. See Bul. 69, Rev., Pt. II, p. 200.*

Code 1897, pp. 1952-1953.

KANSAS.

PURE FOOD RULES.

At the annual meeting of the State Board of Health held June 21, 1906, the following rules were unanimously adopted, to go into force and effect on and after their publication in the official publication of the Board, the Bulletin of the State Board of Health:

1. The use of artificial coloring matter in meat products is prohibited, and all other food products and beverages must be free from coal-tar dye, or other injurious dyes.

2. The use of chemical preservatives, such as formaldehyde, benzoic acid, sulfurous acid, boracic acid, salicylic acid, hydrofluoric acid, saccharin, betanaphthol, or any salt or antiseptic compound derived from these products, is prohibited in food and drink products, except as hereinafter provided.

3. The use of benzoate of soda is permitted in perishable goods in quantities not greater than one-half of one per cent., provided such product is distinctly labeled, setting forth the kind and amount of preservative so used. The use of boric acid, or its boron equivalents, is permitted in compound meat products in amounts not to exceed one-half of one per cent., provided that such product be properly labeled or tagged as containing such preservative, and the amount so contained stated. The use of salicylic acid is permitted in perishable products in amounts not to exceed one-half of one per cent., provided such product be properly labeled or tagged, stating the kind of preservative and the amount used. Such tag or label must be on every package, box, can, carton, glass, and bottle.

4. All food and drink products must be labeled true to name in every respect.

5. Every package, bottle or carton must bear the true net weight.

6. Every package, bottle or carton must show the true grade or class of the goods.

7. Mixed or compound food products must be properly labeled as such.

8. All statements on labels as to the product must be on body of container and in legible type.

9. Vinegar must be sold under true names. Cider vinegar must be made wholly from apples.

10. Coffees must be pure, free from chicory, and not extracted.

11. Extracts must be pure and what they claim to be.

12. Candies must not contain coal-tar dyes, or harmful or inert products, such as terre alba, barytes, talc, etc.

13. Sausages must not contain tainted or decomposed meats, and must not contain prohibited preservatives, artificial coloring matter, or starch fillers; provided, starch fillers may be used if label states their presence and the amount of starch used, expressed in parts or per cent.

14. Spices must be labeled as to their exact composition.

15. Milk, cream and butter must measure up to the standard of requirements adopted by the United States Department of Agriculture and be free from preservatives.

16. All fruit products must be distinctly labeled as to their composition, and be free from prohibited preservatives and coal-tar dyes.

17. If adulterated foods and drinks injurious to the health are offered for sale, they are subject to confiscation and destruction, and the person or persons so fraudulently adulterating such foods are subject to imprisonment and fine.

18. All other mixtures, compounds, powders or products used as foods or drinks must be accurately labeled as to their composition, and state the kind and amount of preservative used, if any is used.

19. The standards of purity, quality and strength adopted by this Board are those adopted by the U. S. Department of Agriculture.

20. Any citizen may have foods analyzed at the laboratories of the State University, at Lawrence, or the State Agricultural College, at Manhattan, if the same is sent through his local or the State Board of Health.

21. Four times each year county boards of health must publish, in the official county paper, a list of all adulterated foods and drinks injurious to the health of those consuming them, as found in the official publication, the Bulletin of the Kansas State Board of Health.

These rules were submitted to the attorney-general for his opinion as to their legality, and if, when violated, they could be enforced by the courts. The attorney-general's opinion is rendered in the following letter:

TOPEKA, June 29, 1906.

Dr. S. J. CRUMBINE,
Secretary State Board of Health:

DEAR SIR: I have your letter of June 23, enclosing rules which are proposed to be adopted by the State Board of Health. I have given this matter some consideration, and have compared carefully each of the proposed rules in connection with the sections of the statute upon which you state you have founded them. I agree with you in every particular as to the powers of the Board and its duty in the premises. I find the rules are each and all authorized by law. I think this move on the part of the Board is fully warranted by the circumstances now existing in the state, and that you will have no trouble in enforcing the rules promulgated under the provisions of the law as it now exists.

Yours truly,

C. C. COLEMAN, *Attorney-General.*

County and municipal health officers should see that these rules are enforced within their jurisdiction. Particular attention is called to the practice of some local butchers in using various kinds of preservatives, such as "freezum" and "preservaline" in their meat products. This must be prohibited and the strict letter of the law complied with in every respect. It is also suggested that these rules be published in full in the official county paper of each county.

LOUISIANA.

GENERAL FOOD LAWS.

SEC. 1. *State Board of Health to incorporate food and drug regulations in sanitary code.* The State Board of Health for the State of Louisiana, be, and is hereby authorized and empowered in order to further carry into effect Art. 297 of the Constitution of 1898 [Bul. 69, pt. 3, p. 216], to revise the sanitary code provided for by Section 3 of Act 192 of 1898,^a and to incorporate therein rules and regulations governing the manufacture, sale and inspection of foods, liquors, waters and drugs within the State in so far as the same may affect the public health; to fix standards of purity; to provide for the collection of samples and the entering of premises for this purpose; to provide for the establishment of a laboratory for the analysis of foods, liquors, drugs and water; to employ an analyst and assistants; and fix and pay their compensation; and to do all other acts as may be requisite and proper to carry this Act into effect.

Provided, that as a standard of purity and strength for drugs, chemicals and medicines, the said Board shall adopt the United States Pharmacopœia and the National Formulary as to all drugs, chemicals and medicines therein contained and treated of; and the Board shall renew said adoption as often as new or revised edition of the said Pharmacopœia and National Formulary are issued.

SEC. 2. *Further amendments authorized.* The power to further revise and amend said sanitary code, is hereby conferred on said State Board of Health for the State of Louisiana, provided that any revisions or amendments adopted by said Board, shall before going into effect, be promulgated in the same manner as is required by existing law for the sanitary code.

SEC. 3. *Penalties.* Any person violating any of the provisions of said sanitary code, shall on conviction by any court of competent jurisdiction, be fined not less than ten nor more than two hundred dollars for the first offense; not less than twenty-five nor more than four hundred dollars for the second offense; not less than fifty nor more than five hundred dollars, or imprisonment for not less than ten days nor more than six months, or both in the discretion of the court, for each subsequent offense.

SEC. 4. *Disposition of fines.* All fines imposed under the provisions of this Act shall be paid into the treasury of the State, to the credit of the general fund.

SEC. 5. *Annual report to governor.* It shall be the duty of the president of the said Board to make an annual report to the Governor of the operations of said Board of Health under this Act,^b

SEC. 6. This Act shall take effect from and after its promulgation, and all laws and parts of laws inconsistent or in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved July 7, 1906. Acts of 1906, No. 98, pp. 164-165.

^a Not included in Bul. 69, Rev., as it is not specifically a food law.

^b So in Statutes.

False labeling as to place of production; penalty. Whoever shall pack or can fish, oysters, oranges or farm products produced or grown in this State, and who shall mark or label the same with any false marks, label or device, to induce others to believe that said commodities or products are produced in some other State or Territory of this Union or any foreign country other than the State of Louisiana, and who shall offer the same for sale in this State or shall so ship the same out of the State, shall be guilty of a misdemeanor, and on conviction thereof before a court of competent jurisdiction, shall be fined the sum of not more than one hundred dollars (\$100.00), or not less than the sum of ten dollars (\$10.00), or be imprisoned in the parish prison not more than one hundred days nor less than ten days, provided that this law shall go into effect on July 1, 1907.

Approved July 7, 1906. Acts of 1906, No. 112, pp. 180-181.

National food legislation requested. Be it resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That this Legislature of the State of Louisiana most earnestly requests the Federal Congress now sitting in Washington, that it take definite and speedy action on the pure food legislation now before it. This request is made because, in judgment of this body, the conditions at the present time require national legislation on this subject, and because in the absence of proper national legislation this State is hampered in the enforcement of its own laws for the protection of the people.

Approved June 29, 1906. Acts of 1906, No. 42, pp. 57-58.

FLOUR, MEAL, ETC.

SEC. 1. *State Board of Agriculture to enforce milling regulations.* The State Board of Agriculture and Immigration shall be charged with the duties of enforcing this Act for the regulation of the sale of certain mill products and cereals not otherwise provided for, to prevent fraud therein.

SEC. 2. *Standard weights.* Mill products hereinafter mentioned shall have the following standard weights, viz: Barrels of flour one hundred and ninety-six pounds (96). Halves, whether in wood or sacks, ninety-eight pounds (98). Quarters, forty-eight pounds (48). Eighths, twenty-four pounds (24). Meal, bolted or unbolted, shall be net one hundred and ninety-six pounds (96) per barrel, whether in wood or sacks and fractional parts thereof shall be in the same proportion, and cereals or grains of any kind shall have the net weight given upon each barrel or package.

SEC. 3. *Brands.* The correct names, and the true net weight of the contents of each and every hogshead, barrel, cask, bale, sack, or package of any of the foregoing products, whether sold in single packages, or lots, shall be plainly marked, branded or stenciled in large letters and figures not less than two inches in size upon the exterior of such hogshead, barrel, box, cask, sack, or package in a conspicuous place, as the head, in case of hogshead, or barrel, and the front or branded side in case of sacks, bales, or package, and it shall be unlawful for any person, firm or corporation to sell or exchange or offer for sale or exchange any of such products so packed or contained until the provisions hereof have been complied with.

SEC. 4. *Penalties.* If any person shall knowingly violate the provisions of this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not less than twenty-five dollars nor more than one thousand dollars, and each transaction shall be deemed a separate offense, which fine or fines shall be recoverable before any court of competent jurisdiction at the

suit of the Commissioner of Agriculture and Immigration, or any citizen without bond or advance cost, and shall be disposed of as hereinafter provided.

SEC. 5. *Penalty for hindering enforcement of law.* Any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in connection with this Act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars nor more than fifty dollars.

SEC. 6. *Seizure of illegal mill products.* The Commissioner shall have a privilege on any mill products and cereals sold in this State, in violation and contravention of the provisions of this Act, and may proceed by writ of provisional seizure against the mill products and cereals so sold in the hands of whomsoever they may be, and wheresoever he may find them, regardless of the domicile of the owner thereof, to recover the fines and penalties due for the illegal sale thereof, by presenting a petition to a competent judge or magistrate, within whose jurisdiction said mill products and cereals are found, stating on oath at the foot of the petition the amount and nature of the demand, the mill products or cereals on which the privilege exists, and praying that the mill products or cereals be seized to satisfy the claim and pay the costs of suits.

SEC. 7. *Disposition of fines.* All fines collected under this Act (of which the Commissioner shall keep a correct and detailed account) shall be used by him to defray the expenses of the inspection of said goods, and the enforcement of the Act.

SEC. 8. *Effect.* This Act shall take effect from and after its promulgation.

Approved July 10, 1906. Acts of 1906, No. 157, pp. 270-271.

WATER.

SEC. 1. *Contamination of water supply forbidden.* It shall be and it is hereby declared unlawful and a misdemeanor to knowingly and willfully contaminate any stream, wells, lake, pond or body of water from which the public water supply of any city of this State is taken, by knowingly and willfully placing or causing to be placed therein the dead body of any animal or animals or any offensive or filthy matter, or from doing any other act tending to corrupt, injure or contaminate said water supply; or for any one knowingly and willfully to permit to escape or drain from his premises into said water supply any substance or fluid tending to contaminate or injure said water supply, or willfully and knowingly to permit to escape from his premises or property any sewerage or fluid into the said water supply, that would injure the quality of the said water or contaminate it.

SEC. 2. *Penalty.* For each and every violation of this statute there shall be imposed a fine of not less than \$5.00 nor more than \$100.00, or imprisonment not less than one day nor more than 30 days in the parish jail; one or both at the discretion of the court.

Approved July 12, 1906. Acts of 1906, No. 213, pp. 370-371.

MASSACHUSETTS.

GENERAL FOOD LAWS.

SEC. 1. *Amount of alcohol in proprietary food preparations must be stated.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SEC. 2. *Labels on patent foods must show content of opium, morphine, etc.* Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SEC. 3. *Articles containing cocaine prohibited.* It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

SEC. 4. *Cocaine or any preparation containing same only to be sold on prescription.* It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

SEC. 5. *Exemptions.* The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

SEC. 6. *Penalty; prosecution.* Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale, gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

SEC. 7. *Effect.* This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved May 11, 1906. Acts and Resolves 1906, ch. 386, pp. 274-275.

SEC. 24. *Penalty for false labeling.* Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind, or knowingly permits such stamping or labelling, or except as hereinafter provided, violates any of the provisions of sections sixteen to twenty-seven, inclusive, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars; and whoever sells such goods so falsely stamped or labelled shall be punished by a fine of not less than ten nor more than one hundred dollars.—*As amended April 23, 1906; Acts and Resolves, 1906, ch. 305, p. 204. See Bul. 69, Rev., pt. 3, p. 248.*

Revised Laws 1902, vol. 1, ch. 75, p. 662.

DAIRY PRODUCTS.

SEC. 1. *Penalty for using milk vessels for any other purpose.* Whoever by himself or by his servant or agent or as the servant or agent of any other person, firm or corporation, having custody of a milk can, measure or other vessel used as a container for milk destined for sale, places or causes or permits to be placed therein any offal, swill, kerosene, vegetable matter or any article other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing said can, measure or other vessel, shall be punished by a fine of not more than ten dollars for each vessel so misused.

SEC. 2. *Penalty for returning milk vessels containing unclean material.* Whoever by himself or by his servant or agent or as the servant or agent of any other person, firm or corporation, sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered to any producer of milk any milk can, measure or other vessel used as a container for milk, containing any offal, swill, kerosene, vegetable matter, or any other offensive material, shall be punished by a fine of not more than ten dollars for every such vessel.

SEC. 3. *Milk dealers must use their own containers.* Every licensed milk dealer who, directly or indirectly, receives milk contained in receptacles which are the property of another person, firm or corporation, shall, before selling said milk, transfer it to other clean vessels bearing his name, or the name under which his business is conducted, and no other; and said milk shall not be sold by him except from or in said vessels.

SEC. 4. *Penalty.* Whoever violates the provisions of the preceding section shall be punished by a fine of not more than ten dollars for each offence.

SEC. 5. *Effect.* Sections one and two of this act shall take effect thirty days after its passage; sections three and four shall take effect four months after its passage.

Approved March 1, 1906. Acts and Resolves 1906, ch. 116, p. 62.

POULTRY.

Investigation of changes in undrawn poultry. Resolved, That the state board of health is hereby directed to investigate what unwholesome changes, if any, take place in the flesh of poultry shipped or stored without the removal of the head, crop and entrails, as compared with the flesh of poultry from which the same have been removed. For this purpose the board may expend a sum not exceeding three thousand dollars, and it shall report the result of its observations and conclusions to the next general court.

Approved April 28, 1906. Acts and Resolves 1906, ch. 59, pp. 607-608.

MISSISSIPPI.

FLOUR, FEEDING STUFFS, ETC.

SEC. 1. *Packages of all mill products to be weighed and correctly marked.* The correct name and the true net weight of the contents of each and every hogshead, barrel, box, cask, bale, sack or package of flour, corn meal, cottonseed meal, and of any and all other kinds of feeding stuff made from cereals of any kind, whether pure, mixed or adulterated, and whether sold in single packages or lots, shall be plainly marked, branded or stenciled in large, legible letters and figures, upon the exterior of such hogshead, barrel, box, cask, bale or package, and it shall be unlawful for any person, firm or corporation, or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange any of such mill products, so packed or contained, until the provisions hereof has^a been complied with.

SEC. 2. *Adulterated products to be plainly branded.* It shall be unlawful for any person, firm or corporation or the agent, employe or representative of any person, firm or corporation to sell or exchange or offer for sale or exchange, whether in single packages or lots, any mill products composed of mixed cereals of any kind or any cereal adulterated in any manner unless the word "adulterated" is plainly marked, printed or stenciled diagonally across the other marks or brands, if any, on the hogshead, barrel, box, bale, cask, sack or package containing the same: or in case there are no other marks thereon, then across such hogshead, barrel, box, bale, cask, sack or package, in a conspicuous place, in large, legible letters and figures.

SEC. 3. *Penalty.* If any person shall violate the provisions of this Act, he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.

SEC. 4. *Effect.* This Act take effect and be in force from and after the 1st day of July, 1906.

Approved February 22, 1906. Laws of 1906, ch. 140, pp. 144-145.

^a So in Statutes.

NEW JERSEY.

GENERAL FOOD LAWS.

SEC. 20. *Appropriation for enforcing food law.* The State Board of Health may expend annually for the purposes of carrying out the provisions of this act a sum not exceeding twenty thousand dollars, which sum shall be paid by the Treasurer of this State upon the warrants of the Comptroller; *provided, however,* that an appropriation therefor shall first be made by the Legislature.—*As amended March 30, 1906; Laws of 1906, ch. 58, p. 84.*

Approved March 21, 1901. Acts of 1901, ch. 85, p. 186.

SEC. 12. *Sampling.* Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of a witness, into two or more parts, and shall duly seal two of said parts each in a suitable can, vessel or package, and, at the time of taking such sample, shall tender and if accepted shall deliver one part to the person of whom the request or demand was made, with a statement in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person on whom the request or demand was made; *provided, however,* that in any prosecution for the sale of any food or drug in violation of this act, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the purchase of such article may have been made by some person other than the chief or other inspector appointed under the authority of this act, if such article so sold in violation of this act shall immediately after such sale be delivered by the person so purchasing said article to the chief or any other inspector appointed under the authority of this act, and said chief or other inspector shall, upon such delivery to him, in the presence of a witness, which witness may be the person who made the said purchase, divide the said article into two or more parts and shall duly seal two of said parts, each in a suitable can, vessel or package and shall tender, and if accepted shall deliver to the person who sold the said

article, one part of such sample with a statement in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk or cream, or the offering or exposing of milk or cream for sale, or the having of milk or cream in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk or cream, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk or cream is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also, in any such case, condemn such milk or cream and pour it upon the ground.—*As amended May 3, 1906; Laws of 1906, ch. 214, pp. 411-413. See Bul. 69, Rev., pt. 5, p. 375.*

Sec. 13. *Penalties; provisos.* The penalties to be imposed under this act shall be as follows:

I. Every person who shall obstruct or in anywise interfere with any analyst, chemist, chief inspector or other inspector or employe of the State Board of Health in the performance of any duty under this act shall be liable to a penalty of one hundred dollars.

II. Every person who shall violate any of the provisions of this act, except as stated in subdivision one hereof, and except as hereinafter provided, shall be liable to a penalty of fifty dollars.

III. Any person who shall violate section four of this act, by distributing or selling, or by having in his possession with intent to distribute or sell, any milk which is or shall be impure under the provisions of section three of this act by reason of its containing more than eighty-eight per centum of watery fluids and less than twelve per centum of milk solids, shall be liable to a penalty of twenty-five dollars for the first offence, and to a penalty of fifty dollars for the second and each subsequent offence; *provided, however*, that in any such case it shall be the duty of the Board of Health of the State of New Jersey or the local board of health, as the case may be, within forty-eight hours after making an analysis to cause to be mailed to the person charged with such violation a notice, stating that an analysis of the milk taken from the possession of such person has shown the same to be below the statutory standard with regard to solids, and that therefore such person is guilty of a violation of this act, and stating the liability incurred by such person by reason of such violation. In case the person charged with such violation has not previous thereto paid a penalty for any alleged violation of this act, or has not been convicted of any violation of this act, and shall within fifteen days after the mailing of said above-mentioned notice pay to the Attorney-General of this State, for the use of the State, or to the local board of health, for the use of the municipality, as the case may be, a penalty of fifteen dollars, no action for the recovery of a penalty shall be commenced against such person for said violation; *provided further*, that hereafter the payment of a penalty for an alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall for the purposes of this subdivision be deemed equivalent to a conviction of the violation for which such penalty was paid.

It shall be a sufficient mailing of the notice required by this subdivision if the same is deposited in the post-office, postage prepaid, addressed to the name

and address given by the person in charge of the milk from which such sample was taken, to the inspector or other person who took the said sample, as the name and address of the owner of the said milk from which such sample was taken.

IV. Any person who shall violate said section four of this act by distributing or selling or by having in his possession with intent to distribute or sell the same, any milk or cream which is or shall be impure under the provisions of section three of this act, by reasons of the addition thereto or mixing therewith of any water, drug, chemical, preservative or other substance, shall be liable to a penalty of fifty dollars for the first offence, to a penalty of one hundred dollars for the second offence, and to a penalty of two hundred dollars for the third and each subsequent offence.

V. If any person charged with the violation of any of the provisions of this act concerning impure foods or impure drugs, shall prove at the hearing or trial of the complaint, that the article alleged to be impure was purchased in a sealed can, vessel or package, under a warranty from any person or persons residing within this State, that said article was pure within the meaning of this act, and shall further prove that the said sealed can, vessel or package in which said article was delivered to the person so charged by the said warrantor had not been unsealed or opened, or the contents thereof tampered with in any way since said delivery, and shall have filed prior to the hearing or trial in the district court or with the justice of the peace, police justice or recorder before whom the case is prosecuted, and with the attorney of the prosecutor of the case, a copy of such warranty, the person so complained against shall be discharged from prosecution. In order that such warranty of any article of food or drug shall justify such discharge, the can, vessel or package in which such article of food or drug shall be contained shall contain the name of the article and the name and address of the warrantor and shall be sealed in such a manner that the contents thereof may not be tampered with without breaking the seal; the said warranty shall specifically name and describe the article or articles warranted and shall be of the following form, to wit: "It is hereby warranted that the following described articles, to wit (giving the name of article, marks on containers, size of containers and number of containers so warranted), are pure, within the meaning of the act of the Legislature of the State of New Jersey, entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, one thousand nine hundred and one.—*As amended June 13, 1906; Laws of 1906, ch. 313, pp. 686-688. See Bul. 69, Rev., pt. 5, pp. 375-376.*

Approved March 21, 1906. Acts of 1901, ch. 85, p. 186.

DAIRY PRODUCTS.^a

A Further Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, one thousand nine hundred and one. (See Bul. 69, Rev., pt. 5, pp. 373-379, 391.)

SEC. 1. *Cleanliness of utensils and buildings.* No person or persons, firm or corporation, buying or receiving milk or cream for the purpose of selling the same as such, or for manufacturing the same into butter, cheese, condensed milk or other food for human beings, shall place, keep or store the same in any

^a See also General Food Laws.

vat, tank, can, bottle, vessel, utensil or other receptacle which is unclean, and every building or structure in which milk or cream is received, and which milk or cream is intended for sale, shall be provided with an abundant supply of pure and wholesome water, and shall be provided with adequate facilities for the cleansing of all receptacles and utensils employed in handling milk or cream. The interior surfaces of the walls and ceilings of all such buildings and structures shall be smooth and be kept free from dust. The floors of all rooms in such buildings in which milk is received or kept or handled shall be impervious to water, and the surfaces shall be so graded that waste fluids will flow into a water-tight drain, and be finally disposed of in a manner which will not create a nuisance. No portion of any creamery building shall be used as a dwelling nor as a laundry or kitchen.

SEC. 2. *Milk license.* No person or persons, firm or corporation shall operate or conduct any creamery for the reception from dairymen, farmers or producers, of any milk or cream intended for sale, or for the manufacture of the same into butter, cheese, condensed milk or other food for human beings, unless a license shall first have been granted by the Board of Health of the State of New Jersey to the owner or owners or manager or operator of said creamery or establishment, authorizing said owner or owners or manager or operator to engage in said business of receiving, storing, handling, selling and distributing milk or cream, and said license shall be granted by the said board under such rules and regulations as the said board may from time to time adopt.

SEC. 3. *Forfeiture of license.* If any such persons, so licensed, shall violate any of the provisions of this act, or any of the rules and regulations provided for in section two of this act, he or they shall forfeit his or their license, and no new license shall be granted to the said party or parties until the requirements of this act and of the said rules and regulations shall have been complied with.

SEC. 4. *Notice to local board of health.* It shall be the duty of the State Board of Health to notify, in writing, the local board of health of every sanitary district in which milk or cream is sold, and which milk or cream is found to be collected, stored, transported or distributed under unclean or unwholesome conditions.

SEC. 5. *Penalties.* Any person or persons who shall operate or conduct a creamery or establishment for receiving milk or cream from dairymen or producers for distribution and sale, or for manufacturing the same into butter, cheese, condensed milk or other food for human beings, without holding a license as provided for in section two of this act shall be liable to a penalty of two hundred dollars, said penalty to be recovered in the same way and manner as similar penalties are recovered under the provisions of the act to which this act is a further supplement.

SEC. 6. *"Creamery" defined.* The word "creamery" as used in this act shall be construed to mean any establishment where milk is received or stored for sale or distribution by wholesale, or for the manufacture of the same into butter, cheese, condensed milk or other food for human beings.

Approved April 20, 1906. Laws of 1906, ch. 139, pp. 263-265.

A Further Supplement to an act entitled "An act to prevent deception in the sale of oleomargarine, butterine, or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six. (See Bul. 69, Rev., pt. 5, pp. 386-389.)

SEC. 1. *Chief inspector, board of health, to act as dairy commissioner.* The chief inspector of the board of health of the State of New Jersey shall hereafter perform and exercise all of the duties and powers imposed, prescribed or

conferred on the State Dairy Commissioner by the provisions of the act to which this act is a further supplement, and process in any action for the recovery of a penalty for violation of any of the provisions of said act to which this act is a further supplement, or any act supplementary thereto or amendatory thereof, shall be issued at the suit of and in the name of said chief inspector as plaintiff.

SEC. 2. *Effect.* This act shall take effect immediately.

Approved April 20, 1906. Laws of 1906, ch. 140, p. 265.

NEW YORK.

BAKERIES AND CONFECTIONERIES.

111. *Drainage and plumbing of buildings and rooms occupied by bakeries.* All buildings or rooms occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure adequate and proper ventilation. No cellar or basement, shall be occupied or used, as a bakery, unless the proprietor shall comply with the provisions of this article, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to the provision with respect to height of rooms. Basements or cellars used as confectionery and ice cream manufacturing shops, shall be not less than seven feet in height.—*As amended May 10, 1906; Laws of 1906, vol. 2, ch. 401, pp. 982-983.*

114. *Inspection of bakeries and confectioneries.* Bakeries and confectionery establishments are factories within the meaning of this act and are subject to the provisions of article six thereof. They shall be kept at all times in a clean and sanitary condition. If on inspection the commissioner of labor find any bakery or confectionery to be so unclean, ill drained, or ill ventilated as to be unsanitary, he may after not less than forty-eight hours' notice in writing to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained, or ventilated. If such bakery or confectionery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained, or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery or confectionery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word unclean. No one but the commissioner of labor shall remove any such seal, label, or sign, and he may refuse to remove it until such bakery or confectionery be properly cleaned, drained, or ventilated.—*As amended May 10, 1906; Laws of 1906, vol. 2, ch. 401, pp. 982-983.*

Laws of 1897, ch. 415; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 2, art. 8, pp. 2080-2082.

DAIRY PRODUCTS.

23-a. *Penalty for delivery of adulterated milk.* Any person, firm, association or corporation delivering any milk to any butter or cheese factory in violation of any of the provisions of the agricultural law shall forfeit and pay to the patrons, firm, association or corporation owning the milk delivered to such factory the

sum of fifty dollars, to be recovered in a civil action by the person, firm, association or corporation entitled thereto.—*Added May 23, 1906; Laws of 1906, vol. 2, ch. 605, pp. 1568-1569.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 2, pp. 165-176.

MEAT.

70-e. *Slaughter of calves.* No person shall slaughter or expose for sale, or sell any calf or carcass of the same or any part thereof, unless it is in good healthy condition. No person shall sell or expose for sale any such calf or carcass of the same or any part thereof, except the hide unless it was, if killed at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town or village any calf or carcass of the same or any part thereof for the purposes of selling, offering or exposing the same for sale, unless it is in a good healthy condition and no person or persons shall bring any such calf or carcass of the same or any part thereof except the hide into any city, town or village for the purpose of selling, offering or exposing the same for sale, unless the calf is four weeks of age or, if killed, was four weeks of age at the time of killing, provided however that the provisions of this statute shall not apply to any calf or carcass of the same or any part thereof, which is slaughtered, sold, offered or exposed for sale, for any other purpose than for food. Any person or persons exposing for sale, selling or shipping any calf or carcass of the same will be presumed to be so exposing, selling or shipping the said calf or carcass of the same for food. Any person or persons shipping any calf for the purpose of being raised, if the said calf is under four weeks of age, shall ship it in a crate, unless said calf is accompanied by its dam. Any person shipping calves under four weeks of age for fertilizer purposes must slaughter the said calf before so shipping. Any person or persons duly authorized by the commissioner of agriculture to examine any calf or veal offered or exposed for sale or kept with any stock of goods apparently exposed for sale and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food.—*As amended May 10, 1906; Laws of 1906, vol. 1, ch. 372, pp. 933-934.*

Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, p. 24.

WATER.

71. *Inspection of water supply; prosecution.* The officer or board having by law the management and control of the potable water supply of any municipality, or the corporation furnishing such supply, may make such inspection of the sources of such water supply, as such officer, board or corporation deems it advisable, and to ascertain whether the rules or regulations of the state department are complied with, and shall make such regular or special inspections as the state commissioner of health may prescribe. If any such inspection discloses a violation of any such rule or regulation relating to a permanent source or act of contamination, such officer, board or corporation shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not immediately comply with the rule or regulation violated, such officer, board or corporation shall notify the state

department of the violation, which shall immediately examine into such violation: and if such person is found by the state department to have actually violated such rule or regulation, the commissioner of health shall order the local board of health of such municipality wherein the violation or the noncompliance occurs to convene and enforce obedience to such rule or regulation. If the local board fails to enforce such order within ten days after its receipt, the corporation furnishing such water supply, or the municipality deriving its water supply from the waters to which such rule or regulation relates, or the state commissioner of health or the local board of health of the municipality wherein the water supply protected by these rules is used, or any person interested in the protection of the purity of the water supply may maintain an action in a court of record, which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties incurred by such violation, and for an injunction restraining him from the continued violation of such rule or regulation.—*As amended May 23, 1906. Laws of 1906. vol. 2, ch. 582, pp. 1523-1524.*

Laws of 1891, ch. 661: Cumming and Gilbert's General Laws and other General Statutes. Supplement 1904, vol. 4, p. 685.

OHIO.

GENERAL FOOD LAW.

7078. (2.) *Food and drugs defined.* The term "drug," as used in this act, shall include all medicines for internal or external use or for inhalation, anti-septic, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food, drink, flavoring extract, confectionery, or condiment by man, whether simple, mixed or compound. The term "flavoring extract," as used herein, shall include any article used as a flavor for foods or drinks, whether used or sold under the name of extract, flavor, essence, tincture, or any other name.—*As amended April 2, 1906; Laws of 1906, (House Bill No. 419), p. 263. See Bul. 69, Rev., pt. 6, p. 459.*

7079. (3.) *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act.

(a.) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality and purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold.

(b.) In the case of food, drink, flavoring extract, confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; (9) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (10) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia but is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (11) if the strength, quality or purity falls below the professed standard under which it is sold; (12) in case any flavoring extract for which no

standard exists, the same is not labeled "artificial" and the formula printed in the same manner hereinafter provided for the labeling of "compounds" or "mixtures" and their formulæ; (13) if the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language, as mixtures or compounds, with the name and per cent. of each ingredient therein. The word "compound" or "mixture" shall be printed in letters and figures not smaller in either height or width than one-half the largest letter upon any label on the package and the formula shall be printed in letters and figures not smaller in either height or width than one-fourth the largest letter upon any label on the package, and said compound or mixture must not contain any ingredient injurious to health.—*As amended April 2, 1906; Laws of 1906, (House Bill No. 419), pp. 263-264. See Bul. 69, Rev., pt. 6, pp. 459-460.*

Laning's Revised Statutes and Recodified Laws 1905, title 5, ch. 8, pp. 1477-1478.

MAPLE PRODUCTS.

7133. (2.) *Standard weight of maple sirup.* The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any substance purporting to be maple syrup or maple sugar not made in compliance with section 1 of this act shall be deemed to be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be deemed an adulteration of maple syrup.—*As amended April 2, 1906; Laws of 1906 (House Bill No. 410), p. 201. See Bul. 69, Rev., pt. 6, p. 485.*

Laning's Revised Statutes and Recodified Laws 1905, vol. 1, title 5, ch. 8, p 1486.

PORTO RICO.

GENERAL FOOD LAW.

SEC. 104. *Sale of meat and bread by municipalities; repeal.* Any municipality, by duly enacted ordinance of the municipal council, by and with the consent of the Executive Council of Porto Rico, may provide temporarily for the slaughter of cattle and the sale of the meat, and the baking and sale of bread by the municipality.

The meat and bread shall be sold to the inhabitants of the municipality at the actual cost to the municipality, plus ten per cent, and all receipts therefrom shall be covered into the municipal treasury.

The act entitled "An Act authorizing the municipal councils to hold auctions from time to time for the purpose of regulating the price of fresh meats, and for other purposes," approved March 12, 1903, is hereby repealed.

Approved March 8, 1906. Acts and Resolutions of the Second Session of the Legislative Assembly of Porto Rico, 1906, p. 140.

FISH.

See Meat.

MEAT.

SEC. 49. *Municipal inspectors of meat and fish.* The killing of animals for food and the sale of fresh meat in each municipality of the Island shall be subject to the inspection of the local authorities. In each municipality there shall be an inspector for such purposes, who may be either a veterinary or the inspector of health and charities, whose duty it shall be to enforce the provisions of this law in regard to the slaughter of animals and the sale of fresh meat. He shall examine all animals offered for slaughter for the purpose of selling the meat for food, inspect slaughtering operations, markets, market stands, and all places where fresh meat and fish are exposed for sale, and see that all condemned meat is destroyed.

SEC. 50. *Conditions under which slaughter is prohibited.* No animal shall be slaughtered for the purpose of offering its meat for sale as food until it has been duly inspected and passed by the municipal inspector. No animal which has been allowed to feed upon filth of any kind, nor any diseased animal, nor one which has not been treated in a humane manner while being brought to the slaughter house, shall be passed by the inspector. Any animal, however, which it may be necessary to kill as the result of accident, may be passed by the inspector, provided its flesh will not be unfit for consumption as food. No cattle shall be slaughtered if more than three months pregnant.

SEC. 51. *Municipal fees for selling meat.* Fees not exceeding the following amounts may be collected by municipalities from persons offering meats for sale as food: for every twenty-five (25) pounds of fresh meat of cattle, twenty-five (25) cents; for every hog, fifty (50) cents; and for every head of sheep, twenty-five (25) cents.

The fee of twenty-five (25) cents on every twenty-five (25) pounds of meat of cattle shall be calculated either on the net weight of the living animal (which shall be determined by deducting from the gross weight the proportion to be fixed by the municipal council) or on the weight of the meat offered for sale after slaughter, as the municipal council may determine.

No other fees than those herein mentioned shall be levied or collected from persons offering fresh meats for sale, except when offered for sale in a municipality other than that in which it was slaughtered.

SEC. 52. *Location and construction of slaughter houses.* No slaughter house, public or private, shall be constructed within the urban zone of any town or village, or within one hundred (100) metres of an inhabited building, or in a location such that the free circulation of the air is interfered with. Slaughter houses must be provided with a pavement of brick or tile or cement, so inclined as to facilitate drainage, and must be provided with proper drains and an abundance of running water.

Offal and fat shall not be rendered in the same building as the slaughter house, nor within one hundred (100) metres thereof.

Slaughter houses must also be provided with a shed for the shelter of the stock to be slaughtered.

SEC. 53. *Time of slaughter.* The slaughter of animals for sale as food shall take place either between the hours of three and six in the afternoon, or between the hours of five-thirty and eight-thirty in the morning, as the municipal council of each municipality shall determine.

No fresh meat shall be exposed for sale within three hours after the slaughter of the animal.

SEC. 54. *Care of animals before slaughter.* Animals intended for slaughter shall be fed and watered at least twice daily while kept at the slaughter house, and must be inspected not more than twenty-four nor less than six hours before being slaughtered.

The blowing of slaughtered animals to facilitate the skinning of the carcass is forbidden.

Offal or refuse from the slaughter house shall not be fed to any animal of a fowl intended for use as food.

SEC. 55. *Cleanliness of butchers, etc.; contagious disease.* Persons engaged in the slaughter of animals for food, and the handling of fresh meat, must be free from communicable disease, and shall be subject in that regard to official inspection. While engaged in the slaughtering or handling of meat they shall wear clean clothing other than that worn at their homes, and in going to and returning from their work.

SEC. 56. *Certificate of inspection for fresh meat.* No fresh meat shall be offered for sale in any municipality unless accompanied by a certificate, issued free of cost at the slaughter house by the inspector, that the animal has passed inspection as fit for slaughter, and that the meat has been inspected and is fit for food.

SEC. 57. *Protection of meat and fish on stands.* No fresh meat or fish shall be exposed for sale which has been in any way exposed to dust, insects or other cause of contamination. All fresh meat or fish while on sale must be at all times properly protected from any contamination from any cause. Markets, meat stands and meat shops must be kept in a clean and sanitary condition.

Any meat, fish or fowl, exposed for sale, which is found upon inspection to be unfit for food, shall be condemned at once by the inspector and ordered destroyed.

^a So in Statutes.

SEC. 58. *Destruction of condemned meat.* All meat or fish condemned as unfit for food shall be immediately destroyed by saturating with kerosene and burning in the presence of a municipal inspector. The carcass of any food animal which has died as a result of disease shall be destroyed in the same manner.

SEC. 59. *Meat slaughtered outside of municipality must be again inspected where offered for sale.* No fresh meat which has been slaughtered outside the municipality shall be offered for sale until the slaughter house certificate has been examined by the inspector of the municipality in which the meat is offered for sale, and the meat again inspected and pronounced fit for consumption by the local inspector, for which inspection fees may be charged by the local authorities not to exceed those specified in this Act.

SEC. 60. *Penalty.* Any violation of the provisions of the foregoing sections of this Act, in regard to the inspection and slaughter of animals for food, and the handling and sale of fresh meat and fish, shall be within the jurisdiction of the judge empowered by law to take cognizance of violations of municipal ordinances in the municipality in which any such violation may have occurred. Such violation shall be punishable by a fine of not exceeding fifty (50) dollars, or by imprisonment not exceeding fifteen (15) days, or by both penalties.

Approved March 8, 1906. Acts and Resolutions of the Second Session of the Third Legislative Assembly of Porto Rico, 1906, pp. 120-122.

RHODE ISLAND.

DAIRY PRODUCTS.

SEC. 1. *Standard milk measure; penalty; testing capacity of containers.* All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of the same sold contrary hereto, shall be fined for the first offence not less than fifty dollars and not exceeding one hundred dollars, and for any subsequent offence not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle in which milk, cream, or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased may apply to the sealer of weights and measures of the town in which such milk, cream, or skimmed milk is delivered to him, which sealer shall, upon the receipt of a fee of twenty-five cents therefor, test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer of such town authorized to make complaints for the violation of said chapter, who thereupon shall duly make complaint against and prosecute the person or persons selling or delivering the same for violation of this section.—*As amended April 19, 1906; Public Laws, January Session, 1906. ch. 1342, p. 58.*

General Laws 1896, ch. 147, p. 453.

SEC. 1. *Use of milk containers for other purposes prohibited; fine.* Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation having custody of a can, jar, bottle, measure, or other vessel used as a container for milk destined for sale, places or causes or permits to be placed therein any offal, swill, kerosene, vegetable matter, or any article other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing said can, jar, bottle, measure, or other vessel, shall be punished by a fine of ten dollars for each vessel so misused.

SEC. 2. *Return of milk containers holding offensive material; fine.* Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation, sends, ships, returns, or delivers, or causes or permits to be sent, shipped, returned, or delivered, to any producer of milk any can, jar, bottle, measure, or other vessel used as a container for milk containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk, or any other offensive material, shall be punished by a fine of ten dollars for each said vessel so misused.

SEC. 3. *Cleansing of empty milk cans, etc., for return; fine.* Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation, sends, ships, returns, or delivers, or causes or permits to be sent, shipped, returned, or delivered, to any producer, dealer in, or consumer of milk any can, jar, bottle, measure, or other vessel used as a container for milk without first thoroughly cleaning and cleansing, by the use of boiling water, steam, or other proper agent, such can, jar, bottle, measure, or other vessel used as a container for milk, shall be punished by a fine of ten dollars for each said vessel so misused.

SEC. 4. *Effect.* This act shall take effect thirty days after its passage.

Passed April 3, 1906. Public Laws, January Session, 1906, ch. 1318, pp. 34-35.

SEC. 1. *License for selling milk.* No person, firm, or corporation, as principal, servant, or agent, shall sell, exchange, or deliver, or have in his or its possession, care, custody, or control, with intent to sell, exchange, or deliver, in any manner whatsoever, milk, cream, or skimmed milk, within any city, unless such person, firm, or corporation shall have first obtained and have in force a license therefor from the board of aldermen of such city.

SEC. 2. *Applications for license.* The board of aldermen of such city may grant licenses to any person, firm, or corporation making written application therefor at the office of the inspector of milk of such city on printed form or forms provided for that purpose by such inspector of milk. Such application shall state the name, residence, and location of the business place or places of the applicant, the number and the description of each and every wagon, carriage, or other vehicle used by the applicant in the milk, cream, or skimmed milk business, and the names and residences of all persons from whom such applicant purchases any milk, cream, or skimmed milk. Any licensee hereunder shall at any time, on request of said inspector, give said inspector such information. All applications shall be signed by the applicant, and in case of corporations so applying the application shall be made by the treasurer or other duly authorized officer thereof, and the names of the officers of any corporation so applying, or to which such license is granted, shall be furnished in writing by such corporation to such inspector at any time on his request. The inspector of milk shall promptly present to said board of aldermen each such application, with his recommendations thereon in writing. All licenses issued shall expire on the first Monday of February next following the date of such license.

SEC. 3. *Record of licenses; license not transferable; to be posted.* The inspector of milk shall keep a record of all such licenses issued, including the name, residence, and place of business of each and every person to whom such license is issued and the date of issue and the date of license, and so much of section 5 of chapter 147 of the General Laws, [Bul. 69, Rev., pt. 7, p. 572] entitled "Of milk," as requires milk dealers to register their names and places of business in the inspector's book shall not apply to such licensees. No person, firm, or corporation holding such license shall have power to transfer, sell, or assign such license. Such license shall not be required for a person acting as the servant or agent of a person, firm, or corporation having a license, but they shall record the names and residences of such servants and agents in the office of the inspector of milk. Any person, firm, or corporation licensed under the provisions of this act shall immediately cause to be and remain posted such license upon some conspicuous part of the room, place, or office in which the business is carried on.

SEC. 4. *Forfeiture of license.* The board of aldermen of such city shall have the power at any time in their discretion, upon the complaint of the inspector of milk or of any other person, to revoke or suspend any such license for any violation of the provisions of said chapter 147 of the General Laws [Bul. 69, Rev., pt. 7, p. 572] or of any act in amendment thereof or in addition thereto, or for any other good and sufficient cause, or when the interest of the public health demands it: *Provided, however,* that no such license shall be revoked or suspended until after said board of aldermen shall give the licensee five days' previous notice and an opportunity to be heard in person or by counsel.

SEC. 5. *Penalty.* Any person violating any provision of section one of this act shall, upon conviction, be fined for the first offence not less than fifteen dollars and not exceeding one hundred dollars, and for any subsequent offence not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment.

SEC. 6. *Act may apply in towns accepting same.* Any town may at any time accept the foregoing provisions of this act and any acts in amendment thereof or in addition thereto by vote of the town council thereof and by filing in the office of the secretary of state a copy of such vote of acceptance duly certified by the town clerk thereof; whereupon this act, and all acts at any time in amendment thereof or in addition thereto, shall apply to such town for the purpose of granting and issuing such licenses, and at the expiration of thirty days from such filing shall wholly apply to such town for all purposes therein, and the town council thereof shall have all the powers conferred thereby upon the board of aldermen of any such city.

SEC. 7. (Amends section 1 of chapter 147 of the General Laws. See sec. 1, p. 48.)

SEC. 8. *Effect.* This act shall take effect upon its passage for the purpose of granting and issuing such licenses, and for all other purposes shall take effect from and after the first day of July, A. D. 1906.

Passed April 19, 1906. Public Laws, January Session, 1906, ch. 1342, pp. 58-62.

FISH.

See Meat.

MEAT.

SEC. 25. *Tainted or diseased meat prohibited.* The importation or exportation, and the sale, offering for sale, exposing for sale, or having in possession with intent to sell, within this state, of any carcass of any slaughtered animal, or any meat or fish of any kind consisting wholly or in part, and whether manufactured or not, of any tainted, diseased, corrupted, decomposed, putrid, rotten, decayed, or unwholesome animal substance or article, unfit for food, is hereby prohibited.—*Added March 20, 1906; Public Laws, January Session, 1906, ch. 1357, pp. 102-104.*

SEC. 26. *Inspectors to destroy tainted meats; proviso; notice.* The inspector of beef and pork, each deputy-inspector, each assistant inspector, and each inspector of beef and pork of any town or city, within their respective jurisdictions, shall seize and cause to be destroyed or disposed of otherwise than for food, all the articles mentioned in the preceding section found within their respective jurisdictions, and for such purpose they may enter any building, enclosure, or other place in which such articles are stored, kept or exposed for sale: *Provided,* that every such inspector shall, upon the request of the owner of any such article, or upon the request of such owner's agent or ser-

vant, permit such owner, his agent or servant, to retain a sample of any such article, and such inspector shall retain said article for the period of one hour for examination by such person or persons as said owner or his agent or servant may select. Every such inspector, at the expiration of one hour after seizure of any such article, shall treat such article with kerosene oil or other substance rendering it impossible to use such article for food or food products. It shall also be the duty of each of such officers to act forthwith within their respective jurisdictions upon notice from the state board of health, the superintendent of health, the city physician, the mayor of any city or the town council of any town. Such inspectors shall forthwith report every such seizure to the chief of police or town sergeant, respectively, of their town or city.—*Added March 20, 1906; Public Laws, January Session, 1906, ch. 1357, pp. 102-104.*

SEC. 27. *Town inspectors.* The town council of any town and the city council of any city are hereby authorized to elect annually, or appoint, one or more inspectors of beef and pork, and to provide for their compensation by salary or fees. Every such inspector shall, before entering upon the duties of his office, give bond in the sum of one thousand dollars for the faithful performance of the duties of such office and the payment of the value of any property illegally or unlawfully destroyed under the provisions of this act, and shall have all the rights, powers, fees, and privileges, and be subject to all the duties, penalties, and forfeitures, the same as the state inspector of beef and pork, with the power to appoint deputy inspectors.—*Added March 20, 1906; Public Laws, January Session, 1906, ch. 1357, pp. 102-104.*

SEC. 28. *Penalty for hindering inspection.*—Whoever prevents, obstructs, or interferes with any such officer, or whoever hinders, obstructs, or interferes with any such inspection or examination, or whoever secretes or removes any article mentioned in section 25 of said chapter for the purpose of preventing the same from being inspected or examined under the provisions of said chapter, shall be fined not exceeding one hundred dollars.—*Added March 20, 1906; Public Laws, January Session, 1906, ch. 1357, pp. 102-104.*

General Laws of 1896, ch. 131, p. 428.

SEC. 1. *Amendment.* Chapter 131 of the General Laws, entitled "Of the inspection of beef and pork," is hereby amended by adding the following sections [see secs. 25-28, p. 50].

SEC. 2. *Repeal; meat inspectors previously appointed to complete term.* This act shall take effect upon its passage, and all acts and parts of acts, general or special, inconsistent herewith are hereby repealed; but the tenure in office of any inspector of beef and pork already elected or appointed, shall not be affected hereby and such officer shall continue in office for the remainder of his term, with all the powers and duties appertaining to such office under the provisions of this chapter.

Passed April 20, 1906. Public Laws, January Session, 1906, ch. 1357, pp. 102-104.

SOUTH CAROLINA.

CORN MEAL.

SEC. 2. *Standard weight of packages; label; proviso.* It shall be unlawful for any person or persons to pack for sale, sell, or offer for sale, in this State, any corn meal or grist, except in bags or packages containing by standard weight two bushels, or one bushel, or one-half bushel, or one-fourth bushel, or one-eighth bushel, respectively. Each bag or package of corn meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains, in bushels or fraction of a bushel, and the weight: *Provided*, The provisions of this Section shall not apply to the retailing of meal or grist direct to consumers from bulk stock, when priced and delivered by actual weight or measure.—*As amended February 24, 1906; Acts of 1906, No. 90, p. 145.*

Acts of 1903, No. 85, p. 126.

VIRGINIA.

GENERAL FOOD LAW.

3811. *Penalty for selling unwholesome food.* If any person knowingly sell any food diseased, corrupted, or unwholesome, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not exceeding six months and fined not exceeding one hundred dollars. The meat of any animal which has developed the disease of actinomycosis or lumpy jaw shall be deemed diseased, corrupted, and unwholesome and within the provisions of this section.—*As amended March 14, 1906; Acts of 1906, ch. 184, p. 310.*

Code 1904, vol. 2, title 52, ch. 186, p. 2036.

CIDER.

SEC. 1. *Pure apple cider defined.* Pure apple cider mentioned in section one hundred and forty-one of chapter twenty of acts of nineteen hundred and four,^a and other ciders, shall be construed to mean the pure juice of the fruit used without admixture whatever, except preservatives, and not to contain more than seven and a half per centum of alcohol.

SEC. 2. *Penalty.* Any person violating the provisions of this act by selling as cider any liquid or mixture which does not conform to the first section of this act shall be deemed guilty of a misdemeanor, and punished as provided by section one hundred and forty-one of chapter twenty, acts of nineteen hundred and four,^a for selling wine, ardent spirits, malt liquors, or any mixture of any of them, without license.

Approved March 14, 1906. Acts of 1906, ch. 181, p. 307.

^a See Pollard's Annotated Code, 1904, vol. 2, pp. 2253-2262. This section is not included in Bulletin 69, Revised, as it deals with liquor licenses, and does not properly come within the scope of that bulletin.

